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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,616	01/23/2001	Jacob Kristian Osterling	040020-238	8360

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ERICSSON INC.
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PLANO, TX 75024

EXAMINER :

NGUYEN, TU X

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 06/28/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/766,616

Applicant(s)

OSTERLING ET AL.

Examiner

Tu X Nguyen

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 13-24, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) 11, 12, 25, 26 and 29-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13-24, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/25/04 have been fully considered but they are not persuasive.

Applicants argue that "anticipation requires the presence in the Bloebaum disclosure of all elements of the claimed invention arranged as in the claim, and such a limitation cannot be met by an element in Bloebaum that performs a different function. Although claim 1 contains terms which the Examiner has related to similar terms distributed throughout Bloebaum, the functionality embodied by the limitations of the claim, taken as a whole, is not disclosed by Bloebaum. This is apparent by noting that the Examiner's references to portions of Bloebaum for each claim limitation are not ordered sequentially, but are taken from random portions of Bloebaum. The examiner has based the rejection on apparently similar terms used in Bloebaum, without taking into consideration the invention as a whole". However, the present invention relates to radio networks does not necessarily have to be in order of each element which Bloebaum et al. meet each claim limitation. For example in claims 1 and 15, there is no sequence necessity to have element a "relating the base transceiver station's current time to a common time reference" (Bloebaum, col.9 lines 64-67) before element b "determining global positioning satellite time" (Bloebaum, col.14 lines 5-16). However, those elements a and b must have existed before "comparing the GPS time to the time of the base transceiver station's clock wherein the base transceiver station's clock is adjusted

Art Unit: 2684

based upon the offset and the comparison" (see col.21 lines 15-25). Therefore, Bloebaum meets all claim limitations.

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10, 13-24 and 27-36, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloebaum et al. (US Patent 6,204,808).

Regarding claims 1, 15, Bloebaum et al. disclose a method for adjusting the clock of a base transceiver station comprising the steps of:

relating the base transceiver station's current time to a common time reference (see col.9 lines 64-67);

providing the base station with an offset based on the relation (see col.14 lines 17-45, col.16 lines 45-59);

determining global positioning satellite time (see col.14 lines 5-16)

providing assistance data for decoding the chip sequence of a GPS signal (see col.4 lines 37-41, col.15 line 24 through col.18 line 44).

comparing the GPS time to the time of the base transceiver station's clock wherein the base transceiver station's clock is adjusted based upon the offset and the comparison (see col.21 lines 15-25).

Regarding claim 29, Bloebaum et al. disclose everything as claim 1. More specifically, Bloebaum et al. disclose a location measurement unit (see col.5 lines 20-25).

Regarding claims 2 and 16, Bloebaum et al. disclose measuring the time of base transceiver stations surrounding the base transceiver station, and measuring the time of the base transceiver station's clock (see col.10 lines 16-27).

Regarding claims 3 and 17, Bloebaum et al. disclose providing a frame number and approximate control channel position of base transceiver stations surrounding the base transceiver station, wherein the time of base transceiver stations surrounding the base transceiver station and the time of the base transceiver station's clock are measured using the frame number and approximate control channel position (see col.4 lines 18-25).

Regarding claims 4 and 18, Bloebaum et al. disclose the frame number is transmitted in a broadcast control channel and the approximate control channel position is a position of a shared control channel (see col.8 lines 1-10).

Regarding claims 5-7 and 19-21, Bloebaum et al. disclose the base transceiver station is provided with information from a location measurement unit, wherein the base

transceiver station's clock is adjusted based upon the information from the location measurement unit (see col.21 lines 15-25).

Regarding claims 8, 22 and 31, Bloebaum et al. disclose the information contains an indication of the accuracy of the clock of a base transceiver station used for generating the information (see col.14 lines 30-45).

Regarding claims 9-10 and 23-24, Bloebaum et al. disclose if the common time reference is not available, another base transceiver station's clock is used as the common time reference (see col.20 lines 57-64).

Regarding claims 13 and 27, Bloebaum et al. disclose determining global positioning satellite time; and comparing the GPS time to the time of the base transceiver station's clock, wherein the base transceiver station's clock is adjusted based upon the offset and the comparison (see col.14 lines 17-45, col.16 lines 45-59).

Regarding claims 14, 28 and 35-36, Bloebaum et al. disclose everything as claim 1 above. More specifically, Bloebaum et al. disclose the offset is provided by a serving mobile location center (see col.21 lines 36-42).

Regarding claim 30, Bloebaum et al. disclose another base transceiver station, wherein the location measurement unit is associated with the another base transceiver station (see col.10 lines 16-26).

Regarding claim 32-33, Bloebaum et al. disclose the location measurement unit and the another location measurement unit include a GPS receiver (col.10 lines 16-26).

Regarding claim 34, Bloebaum et al. disclose the common time reference is GPS time (see col.9 lines 52-62).

Art Unit: 2684

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7749.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN
June 17, 2004


NAY MAUNG
SUPERVISORY PATENT EXAMINER